



Bellevue Police Department

450 110th Ave. NE ♦ P.O. Box 90012 ♦ Bellevue, WA 98009 ♦ (425) 452.6917 ♦ fax (425) 452-6110

January 2, 2019

Mike Davis
Muckrock News, Dept MR 66148
411A Highland Ave
Somerville, MA 02144

Attached is information responsive to your request for public records. Pursuant to the Public Records Act RCW 42.56, responsive records may be redacted or exempt. Please review the accompanying privilege log for further information, if such redactions or exemptions have been applied.

No redactions or exemptions applied.

Twenty-four pages provided.

Per the State Public Records Act (RCW 42.56.120) and City Public Records Act Rules (Section 6), a public records request may be considered abandoned and subsequently closed if a requestor fails to fulfill their obligation to claim an installment of records; claim the entire production of records; inspect the records; or fails to pay the deposit or final payment for requested records within 30 days of this notification.

If you believe the information furnished has been incorrectly redacted or is incomplete, you may file a written appeal. The appeal must include your name and address, a copy of the redacted document and a copy of this letter together with a brief statement identifying the basis of the appeal. Please mail your appeal to:

Bellevue Police Department
Attn: Records Supervisor
P.O. Box 90012
Bellevue, WA 98009-9012

Thank you,
Brooke Markham
Bellevue Police Department
Records Section

RPC 4.4 Inadvertent Disclosure Notification: CR 26 (b) (6) Claw Back Provision

****** Please read this notice carefully ******

Dear legal practitioner: Please take notice that we take reasonable precautions to prevent the disclosure of privileged or confidential materials, including those protected by the attorney-client privilege and/or work product doctrine, when responding to request for records. These precautions include, but are not limited to, carefully locating and assembling responsive records, performing an intra-departmental review of the records for purposes of determining whether they contain any privileged or confidential materials, forwarding the records to the County Prosecuting Attorney's Office for independent legal review, meeting and conferring with the Prosecuting Attorney's Office to compare and reconcile any conflicting results of our separate independent reviews and, if necessary, creating a withholding log. Despite our having taken these precautions, occasionally a mistake is made and privileged or confidential documents are inadvertently produced. To that end, we wanted to notify you that there is a possibility that the records being produced may contain privileged or confidential materials. The inadvertent or unintentional production of privileged or confidential documents, without a privileged or confidentiality designation should not be considered a waiver in whole or in part of any claim of privileged or confidential treatment, and any document that initially is produced without bearing a privileged or confidentiality designation may later be so designated. In the event that you believe you have received privileged or confidential materials, we would ask that you promptly notify us of this fact and take action as necessary to comply with the obligations set forth in Rule of Professional Conduct 4.4 and/or Civil Rule 26 (b)(6).

2.00.060 SPECIAL FIREARMS, WEAPONS, AND LESS LETHAL DEVICES

(CALEA 1.3.4, .9, & .10, .11)

Special firearms, weapons, and less lethal devices will be used only when necessary by officers specifically trained in their use. Weapons and less lethal devices will be handled only as necessary, and always in such a manner as to not cause unwarranted danger to oneself or to others. These weapons and devices shall be routinely inspected by those trained and assigned to use them. Any found to be defective, malfunctioning, or unsafe shall be removed from service until they are repaired and inspected by a qualified technician.

Patrol Rifle

Patrol Rifles are to be used only by an officer authorized and qualified to use the rifle.

Select Fire Rifles (Automatic Weapons)

Select fire rifles are to be used only by authorized officers specifically trained in their use.

Extended Range Impact Devices

The Bellevue Police Department deploys extended range impact devices. These devices provide “Less Lethal” tools that may be used to deliver force through the use of extended range impact projectiles. This level of force may be used to control or subdue a subject demonstrating aggressive, violent or other behavior which poses a threat of physical harm to the subject or the officer, or to other persons or property. Extended range impact devices may also be deployed when it is necessary to disperse unruly or rioting crowds threatening persons and/or property.

Extended range impact devices are intended to provide additional force options. These devices are not intended to replace the use of firearms or other forms of deadly force when the use of deadly force is justified.

Extended range impact devices may only be deployed by officers who have satisfactorily completed this agency’s approved training course and are recertified on a yearly basis.

Extended range impact devices should be stored in the SWAT Armory or Crowd Control Locker and checked out by a certified operator at the beginning of shift and checked in at the end of shift. Extended range impact devices should be stored in their designated cases and secured in the trunk of the Police vehicle during the officer’s shift. They shall be stored and transported in an unloaded condition when not being deployed.

When feasible, the operator should make an announcement to the other involved Officers prior to deploying the Less Lethal Round(s) to reduce the possibility of “contagion fire”.

When feasible, a warning should be given to the subject that force will be used against him/her prior to deploying the extended range impact devices.

The “Objective Reasonableness” of each round fired by the operator must be able to be justified by the operator. The number of rounds fired should be limited to that which is necessary to overcome and safely gain control of a subject or disperse and unruly or rioting crowd.

Extended range impact devices should not be used in the following situations (unless there are compelling reasons to do so, which can clearly be articulated):

- ❖ In an environment where the subject could fall beyond his/her standing height and where such a fall would present a substantial risk of death or serious physical injury.
- ❖ On a subject who at the time of application is known or believed to be pregnant, unless higher and more intrusive levels of force are the only reasonable alternatives.

- ❖ At extremely close distances to the subject (per training specific to each device).

Officers should insure that appropriate aid is provided to any subject who is struck by any round from an extended range impact device. Aid personnel should be called to the scene or other location as appropriate, to evaluate whether additional medical treatment or transport is required prior to being booked into jail.

Photographs of the affected impact area(s) should be taken as soon as practical.

The Bellevue PD Range Master will maintain a list of current launchers and munitions authorized to be carried on patrol, specialized assignment and/or crowd control team deployments.

Electronic Control Devices / TASER

The X-26 TASER is an Electronic Control Device (ECD) designed to disrupt a subject's sensory and motor nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. It may be used in the performance of a police duty only by officers who have satisfactorily completed this agency's approved training course and are recertified on a yearly basis.

The TASER is an intermediate tool and is not intended to replace firearms, batons, pepper spray and/or self-defense techniques. It may be used to control or subdue a physically resistive, aggressive or violent subject who poses an immediate threat of physical harm to his/her self, to the officer, or to other persons.

The TASER should not be used in the following situations (unless there are compelling reasons to do so which can clearly be articulated):

1. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to gasoline, natural gas, or propane).
2. In any environment where the subject could fall beyond his/her standing height and where such a fall would present a substantial risk of death or serious physical injury.
3. On a subject who at the time of application is known or believed to be pregnant, unless higher and more intrusive levels of force are the only reasonable alternatives.
4. On a handcuffed/secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
5. On a subject who is very young, very old or infirm.
6. On a subject who is demonstrating only passive or static resistance unless there is an identifiable threat present.

Conventional fired cartridge (probe) deployment is preferred over the Drive Stun mode because it increases likelihood for temporary motor incapacitation. The Drive Stun mode may be used in certain circumstances but should not be used merely as a pain compliance tool absent an immediate threat. When using the Drive Stun mode, the head, neck and pelvic area should be avoided, unless defending against a violent attacker, due to the increased risk of serious injury.

The Drive Stun mode may also be used following a Probe Deployment when the officer believes that the probe spread is less than ideal and/or when there is an indication of an improper connection of the probes to the subject.

The TASER may only be carried on the Non-Gun side of the body (belt holster or thigh rig) and set up for a Non-Gun hand draw. When carried on a Tactical type vest (i.e. SWAT, Narcotics, SET, etc.), the TASER may be carried on either side of the vest but must be set up for a Non-Gun hand draw that is reviewed and approved by the PSU Commander. These carry restrictions do not apply to Police Support Officers.

Note: Personnel may only use a Department issued or Department approved holster for the TASER.

Repeated, continuous and prolonged activation of the TASER should be limited to that which is necessary to safely place the subject into custody. Multiple applications using the Drive Stun mode are strongly discouraged.

Photographs of the affected area(s) should be taken as soon as practical.

The TASER probes shall be removed from the subject once safely in custody according to the procedures outlined in the department certification training. The cartridge, wire leads, probes, and one or more AFID ID Tags (if available) shall be gathered and booked into Evidence for each TASER Cartridge application on a subject.

Chemical Agents

Chemical agents are to be used only with the express authorization of a Command Officer and only by officers specifically trained in their use. Any person subjected to or exposed to a chemical agent must be provided appropriate first aid or medical treatment within a reasonable period of time.

Batons/Impact Tools

Batons and other impact tools (flashlights included) will be used in the performance of a police duty only by officers specifically trained in their use, when and only to the extent lawfully necessary. Batons and other impact tools when used to intentionally strike a subject, may be used to control or subdue an aggressive or violent subject who poses an immediate threat of physical harm to the officer or others. Any person struck with a baton or other impact tool must be provided appropriate first aid or medical treatment within a reasonable period of time. Officers are authorized to carry/use only a Department-issued or approved baton.

OC/Pepper Spray

Pepper spray will be used in the performance of a police duty only by officers specifically trained in its use. Only the Department issued OC/Pepper Spray may be used to control or subdue a physically resistive, aggressive or violent subject who poses a threat of physical harm to his/her self, to the officer, or to other persons or property. Any person subjected to or exposed to pepper spray must be given the opportunity to clean and decontaminate affected areas as soon as practical. Appropriate methods for this may include the use of available water and wiping away of OC residue with a cloth or towel.

Other Weapons or Less Lethal Devices

Except for the specific authorization to use certain personally owned firearms, other weapons or less lethal devices that are not Department issued are prohibited for duty-connected use.

16.00.120 FISCAL MANAGEMENT (CALEA 17.1.1)

The Chief of Police is designated as having the authority and responsibility for the fiscal management of the Department.

The City of Bellevue is governed by the provisions of RCW 35A, Optional Municipal Code.

The City of Bellevue operates under a Council / City Manager form of government which designates Department directors, including the Chief of Police, as having the management responsibility for their departments.

Budget Preparation and Management (CALEA 17.2.1)

The Police Department Finance manager, working under direction of the Chief of Police, and in close coordination with the Assistant Chief and all Section and Unit Commanders, will coordinate all matters related to the department's budget preparation and monitoring.

The Finance Manager will follow the overall budget process prescribed in the City's "Comprehensive Financial Management Policies" which is published as a separate chapter of the City's current budget document.

Procedures for requesting supplemental or emergency appropriations and funds transfers are part of the budget monitoring process discussed within this policy.

The Financial manager will also follow the more specific instructions contained in the City's "Budget Process Manual" which is developed and distributed during each biennial budget. Where specific budget procedural guidance does not exist, the Finance Manager will work with the Assistant Chief and all Section and Unit Commanders to develop an appropriate process.

Budget Recommendations (CALEA 17.2.2)

As a part of each biennial budget preparation process, on an annual basis, the Police Department Finance Manager will solicit oral or written budget recommendations from each Section and/or Unit Commander. Section and Unit commanders will be responsible for assuring that all employees in their sections or units are informed that budget recommendations are being sought and that employees are encouraged to share their ideas.

Budget ideas from employees will be submitted through the chain of command to the Department Finance Manager for compilation and subsequent consideration by the Chief of Police.

The Finance Manager will publish and distribute approved annual budgets to Chiefs, Section and Unit Commanders no later than January 31 for the upcoming year. The Commanders and the Finance Manager can discuss any necessary emergency appropriations.

Requisitions and Purchases of Agency Equipment and Supplies (CALEA 17.3.1)

The City of Bellevue has a Procurement Services Division which is responsible for establishing overall purchasing policies and procedures for the City. Procurement Services has published a "Purchasing Handbook", commonly called the "Guide to Procurement", which prescribes the rules and procedures for acquiring goods and services. It includes sections on how to receive bids, criteria for selection of vendors, how to surplus unneeded items, how to make travel arrangements, and contains all references to State law and City ordinances governing purchasing activities.

Accounting System (CALEA 17.4.1)

The City of Bellevue has an accounting system called J.D. Edwards (JDE). JDE consists of interconnected subsystems, such as Payroll, Purchasing, and Accounts Receivable, and interfaces with a City budgeting tool

called Govmax. JDE downloads the approved budget each year and aggregates the specific expenditures recorded in its subsystems to compare them against the budget during each budget period.

The GovMax Budget system is used to develop budgets for all approved accounts under the Police Department's control, including the General Fund, General Capital Investment Program Fund, and Operating Grants and Donations Fund.

Actual expenditures, accruals, and journal entries are all recorded in JDE, and are monitored monthly by the Finance Manager. Monthly budget and expenditure reports are distributed to Chiefs, Section, and Unit Commanders.

Maintenance of Cash Funds (CALEA 17.4.2)

The Bellevue Police Department currently maintains the following "cash" funds:

- ❖ Investigative Fund – for narcotics purchases, informant payments, or investigative activities
- ❖ Flash Fund – flash money for narcotics investigations

Each fund has a written set of procedures governing their operation. Each fund is audited from time-to-time by an internal auditor and on an annual basis by a State Auditor who conducts Bellevue's annual financial and compliance audits. These audits document any imbalances and/or failures to follow the established procedures, if any, and result in specific plans to correct the identified deficiencies.

Credit Card Use

The use of commercial business (Procards) credit cards and gasoline credit cards issued to the Department by the City of Bellevue Finance Department shall be in accordance with current City ordinances, operational guidelines, and the RCW.

Visa cards are issued by Section and or Unit. The Department's Financial Manager is the credit card custodian. Each Section or Unit commander is responsible to ensure that card usage guidelines are followed.

Persons using the card are responsible to immediately obtain and submit a credit card receipt to their Section or Unit commander or designee each time the card is used. The receipt shall include a description of the item(s) purchased and authorized user signature. Support paperwork is required that provides the names of all the employees that used the item(s) and the reason for its use.

Commercial gas cards are issued by the Chief of Police or the Chief's designee to various Department employees. Each employee is responsible for the issued card and will ensure that cards are used on official city business and for:

- ❖ Purchasing regular unleaded gas at self-service pumps whenever possible while traveling out-of-town or in emergency situations.
- ❖ Traffic Motorcycle Officers are authorized to use the commercial gas cards to purchase premium gasoline
- ❖ Ensuring credit card receipts contain the signature of the authorized purchaser, and the city vehicle license number (receipts are required to be turned in).
- ❖ Ensuring emergency repairs are limited to \$100 and only during those times when the services at the BSC are unavailable. Repairs in excess of \$100 must be pre-approved by a Section Commander.

All credit cards expenditures will be reconciled on a monthly basis by the administrative assistants for each of the section/unit that has a credit card.

Independent Audits (CALEA 17.4.3)

RCW 43.09.260 requires that the Washington State Auditor's Office conduct examinations of the financial affairs of all local governments at least once every three years. The State Auditor determines the scope of the audit. The amount of work specific to the Department will fluctuate. All employees involved in the audit process are required to cooperate fully with any State audit.

Inventory and Control of Agency Property (CALEA 17.5.1)

Inventory and control of Department property is accomplished by the following methods:

- ❖ Vehicles and machinery having an original cost of \$5,000 or more are tracked by the City's Equipment Rental Fund (MERF). Items in this category are purchased and used by individual departments using specifically appropriated funds. After purchase, the ownership of the item is turned over to the Equipment Rental Fund that subsequently tracks and maintains the item in coordination with the City Purchasing Department.
- ❖ Portable and mobile radios, radar units, and any other type of electronic equipment costing over \$1,000 are tracked by the Electronic Equipment Rental Fund (EERF). Items in this category are purchased and used by individual departments using specifically appropriated funds. After purchase, ownership of an item is turned over to the Equipment Rental Fund that subsequently tracks and maintains the item in coordination with the City Purchasing Department.
- ❖ The City also maintains a "Small and Attractive Inventory" policy which specifies that any durable and portable asset worth over \$300 that is either a potential high-risk loss (safety items like police weapons, Tasers, etc.) or high-likelihood of loss (iPads, laptops, radios, etc.) must be separately inventoried and tracked on a regular basis. Section and Unit Commanders are responsible for tracking these assets, under the overall coordination of the Finance Manager.

Other City assets not directly covered by the above methods are tracked by the commanders of the Section or Unit that purchased them.

18.00.050 ISSUED UNIFORM EQUIPMENT

The Personnel Services Unit (PSU) Commander maintains a list of authorized uniforms, accessories, and equipment issued to employees. Issued items may depend on assignment. Employees wishing to obtain a current list of authorized uniform items and equipment should consult this list.

All uniformed officers will maintain their Department-issued uniform and equipment in good condition. Issued clothing will be kept neat and clean and in good repair at all times.

Utility Cap

Refer to the Uniforms and Equipment Registry for authorized utility caps.

The utility cap is only authorized for wear by:

- ❖ Motorcycle Officers while wearing the uniform authorized for that assignment
- ❖ Recruit officers during training only
- ❖ Officers assigned to Special Events, or during hot/inclement weather
- ❖ Special Details such as the Bomb Squad, Hostage Negotiators, and Detectives while engaged in short-term duties exclusive to the detail assigned

Cold Weather Beanie

An optional beanie-style cap may be worn during inclement weather. These caps will be issued by the PSU Quartermaster as needed.

Uniform Jacket

Only issued jackets may be worn with the uniform and will be as described in the RFP. Specifications for jackets are described in the Quartermaster Reference Manual.

Raid Jacket

A raid jacket, designed to identify the wearer as a police officer at the scene of an unusual event such as a narcotics search warrant or hostage incident, is authorized for officers in plainclothes assignments with the approval of a Section Commander.

The jacket will not be worn with the normal Department Uniform, or replace the Department uniform jacket. The raid jacket will not be worn off duty.

Gun Belt and Related Equipment

The Department issued gun belt will be worn with the plastic buckle centered at the front of the body. The gun belt will not be worn in such a manner as to slant down or "sag" towards the ground.

The baton carrier, O.C. Spray carriers, radio holder, and handcuff case(s) may be worn anywhere on the belt but not in such a location that it may hinder the drawing of the pistol.

The TASER may only be carried on the Non-Gun side of the body (belt holster or thigh) and set up for a Non-Gun hand draw. When carried on a Tactical type vest (i.e. SWAT, Narcotics, SET, etc.) the TASER may be carried on either side of the vest but must be set up for a Non-Gun hand draw that is reviewed and approved by the PSU Commander. These carry restrictions do not apply to Police Support Officers.

Mini-mag or similar appearing flashlight holders may be worn anywhere on the belt but not in such a location that it may hinder the drawing of the pistol or displace any item listed above. The carrier will conform in appearance with the other listed accessories.

Glove holders, pagers, cell phones and small knives may be worn on the belt but not in such a location that it may hinder the drawing of the pistol or displace any item listed above.

Gun belt keepers are authorized and will be worn as necessary to maintain proper appearance.

Any other equipment carried on the pistol belt must have the specific authorization of the Chief of Police.

Alternate Gun Belts

Officers assigned to the Investigations Section and other regular plain clothes details will be equipped with a nylon duty belt to carry the duty pistol, handcuffs, ASP baton and pepper spray.

Gun belts, with equipment, are required when detectives engage in hazardous events such as high risk arrests and warrant service.

Lost, Stolen or Damaged Equipment, Property or Uniform Items

Employees will immediately report to their supervisor the loss, theft, or damage of any department-issued uniform, equipment or property item assigned to or used by them, whether the assignment or use is permanent or temporary. After the initial advisement, a written report will be completed and forwarded to the employee's Section Commander for review.

Any claims for damage to clothing or other personal property belonging to the employee, caused by performance on duty, will be reported in writing immediately to the employee's Section Commander via the chain of command.

Repair of Equipment

With the exception of what would be generally accepted as routine inspection, maintenance and cleaning, employees will not dismantle or attempt to repair any Department equipment unless they are qualified and authorized to do so.

Re-Issue of Uniform Items

Officers requesting a re-issue of uniform items must submit a "Uniform/Equipment Request" form to the Personnel Services Section. The officer's supervisor and commander will review all such requests and make a determination as to whether the item will be re-issued, repaired, or continued in service.

Change of Rank

Upon the change of rank of any commissioned officer, it will be the responsibility of the Personnel Services Unit to issue the appropriate equipment. Refer to the PSU Uniforms and Equipment Registry for a list of items issued upon promotion.

Upon the termination, retirement or death of a Department employee, it will be the responsibility of the Personnel Services Unit to take possession of all Department-issued equipment.

20.00.100 INSPECTIONS (CALEA Chapter 53)

The Department requires regular inspections of facilities, equipment, personnel, and operational guidelines. These inspections are normally performed by Section Commanders, Captains, supervisors or another assigned employee, with a frequency that ranges from daily to annually, depending on the particular function to be inspected. Inspections include commissioned and non-commissioned personnel, their equipment and facilities.

Line inspections

Assigned personnel (Police Support Officer (PSO), Officer, Supervisor or Captain) will utilize the necessary inspection document, if applicable, and complete the inspection and documentation in a timely fashion. Except for daily visual inspections of personnel, vehicles, and facilities, most inspections are documented on check sheets and are maintained by the person assigned the task, with a copy being sent to the Operations or Administrative Services Office Manager.

Inspectional areas and frequency of inspection

- ❖ **Appearance, uniform, equipment** – daily roll calls conducted by the supervisor. Repeat discrepancies to be noted by the supervisor on the officer's monthly activity log, supervisor comment section.
- ❖ **Case reports, operational paperwork** – daily by the squad supervisor. Repeat discrepancies to be noted by the supervisor on the officer's monthly activity log, supervisor comment section
- ❖ **Personnel Performance** – evaluations to be completed annually (includes knowledge and application of standards)
- ❖ **Vehicles** – monthly, by volunteer staff; inspected daily by officers. Damage and safety issues to be reported immediately to a supervisor. A list of vehicle damage, safety and equipment issues will be included in each Section's Quarterly report.
- ❖ **Armory equipment** – includes: special weapons, extra service weapons, shotguns, less lethal, Taser, AR-15, for operational readiness – monthly, assigned by the SWAT Commander. Operational readiness and equipment condition will be documented in the Quarterly report.
- ❖ **First aid kits, holding cells, booking area safety and security** – daily/weekly written report by PSO. Records of the safety checks will be maintained by the Holding Facility Supervisor. Equipment and facility condition will be reported in the quarterly report.
- ❖ **Police facility** – cleanliness, good repair, security – all employees are expected to report observed facility problems to a Watch Commander or Supervisor during their shift. The Patrol Captain or his/her designee, who is assigned the responsibility of the facility, will check both interior and exterior on a weekly basis. A report on police facility conditions will be included in each Section's quarterly report.
- ❖ **Uniform and Issued Equipment** – at least annually, as directed by section Commanders, all commissioned personnel must have their uniforms and equipment checked for operational readiness and to ensure that all issued equipment is accounted for.
- ❖ **Emergency equipment for operational readiness** – includes SWAT and Crisis Negotiations Teams - monthly by the SWAT Commander or his/her designee. A status report will be included in the SWAT Commander's quarterly report.
- ❖ **Other areas** – as assigned by the Assistant Chief or Chief of Police.

Corrective Measures

Supervisors are expected to take corrective action immediately for minor problems that become evident during inspections.

If a problem is of such a nature as to require repair or replacement of equipment, a memo will be directed to the appropriate Command staff officer stating the nature and cause (if known) of the problem, and the corrective action or repair necessary.

In all cases where it was determined that corrective action was necessary to the extent a report was made, the person who conducted the original inspection will re-inspect the person, procedure, or area of the building to ensure that corrective action has been taken. This shall be completed within thirty (30) days of the original inspection.

Written reports detailing the status of the various functions, programs, and inspections/audits are outlined in quarterly reports or in a separate report to the Chief of Police. Section Commanders have the responsibility to insure that these reports include all the mandated reporting requirements.

Written reports to the Assistant Chief of Police are required for the annual uniform and equipment inventory if the inspection shows any deficiencies.

Written evaluations will be submitted through the chain of command to the Chief of Police annually and as directed, usually on an employee's anniversary date or as part of a disciplinary action.

The Investigations Commander or his/her designee will perform monthly inspections on the special investigation fund and paperwork.

The Property & Evidence Technician will submit a report to the Chief of Police after each annual auction.

The supervisor of the evidence function will inspect the evidence area on a quarterly basis.

The Chief of Police may require other inspectional reports as necessary for a particular request, requirement, or law.

Patrol Line Inspection

Patrol, Traffic, and Courts and Custody Unit Supervisors are required to perform "line inspections" on a semi-annual basis. Line inspections will be performed during the fifteen-day period immediately following the January and June shift changes. Inspections include commissioned and non-commissioned personnel, their equipment, and facilities. It is the responsibility of the Captains to ensure that their Supervisors perform the necessary line inspections.

Within fifteen days of the January and June shift changes, each supervisor will report in writing to their assigned Captain the names of personnel inspected, any uniform and equipment deficiencies found, and what corrective actions were taken. The assigned Captains will then submit these reports to the "Line Inspection Patrol Captain" who will prepare a written summary for the Patrol Section Major.

Inspection areas

❖ Appearance, uniform, equipment

Each supervisor will make sure that each of his/her assigned officers have the proper uniform and equipment and that all equipment is in proper working condition (see checklist).

❖ Personal performance

Each supervisor will ensure that an annual evaluation has been conducted for each of his/her assigned officers during the previous year.

Inspection checklist

Each supervisor will complete a line inspection checklist for each of his/her assigned officers. Each supervisor will list any deficiencies observed and what corrective actions have been taken to remedy any deficiency.

Each supervisor will ensure that all remedial actions have been completed within 30 days of the initial inspection when the deficiency was discovered.

Investigations and ENTF

Unit Supervisors are required to perform "line inspections" on a semi-annual basis. Line inspections will be performed during the fifteen day period immediately following the March and September shift changes. Inspections include commissioned and non-commissioned personnel, their equipment, and facilities. It is the responsibility of the Captains to ensure that their Supervisors perform the necessary line inspections.

Within fifteen days of the March and September shift changes, each supervisor will report in writing to their assigned Captain the names of personnel inspected, any uniform and equipment deficiencies found, and what corrective actions were taken. The assigned Captains will then submit these reports to the Investigations Section Major.

20.00.120 IN-CAR VIDEO/BODY-WORN CAMERA

PURPOSE AND SCOPE

This policy provides guidelines for the proper use, management, storage and retrieval of video and audio data recorded by body-worn cameras (BWC) and in-car video systems (ICV). This policy applies to the use of body-worn and in-car video cameras by members of the Bellevue Police Department who have volunteered to participate in the Pilot Program while in the performance of their duties and all employees that view recorded videos resulting from this Pilot Program. This policy is in effect during the duration of the BWC/ICV Pilot Program. This policy does not apply to the interception of conversations of lawfully authorized investigative purposes under RCW 9.73.210 and RCW 9.73.230.

The pilot program's primary focus is to evaluate the business process of recording, storing, and public disclosure of body-worn and in-car video. The pilot program also provides research for TASER's development of a proprietary in-car video system for law enforcement vehicles. Audio and video recordings are an effective law enforcement tool that can be used as a useful tool in case investigations and prosecutions as well as documenting police interactions with the public.

The Memorandum of Agreement between the City of Bellevue and the Bellevue Police Officers' Guild outlines the scope of the program.

IN-CAR VIDEO SYSTEM PILOT PROGRAM

Effective Date: 05/14/2016

Using the In-Car Video System

This policy applies to all sworn employees who have volunteered to operate In-Car Video (ICV) systems and all employees with authority to view the recordings from the BWC/ICV Pilot Program.

1. All Employees Operating ICV-Equipped Vehicles Must Have Completed ICV Training

Before officers deploy with an ICV camera, they will complete Department training on the proper use of the equipment and procedures for uploading recorded video. This training will include:

- Objectives of the BWC/ICV Pilot Program
- Proper Camera operation and placement
- Department policy on camera usage & State Law
- Recording advisements

2. All Employees Operating ICV Must be in Uniform

3. Employees Will Log in and Perform a System Check

At the start of a shift, employees will log into Taser Axon and check to ensure that the ICV system is working properly.

If at any point during the shift the system malfunctions, the employee will:

- Notify a supervisor, and
- Note on the MDC/CAD log

4. Employees Will Record Police Activity

Employees will record the following police activity:

- Response to dispatched calls, starting before the employee arrives on the call and ending consistent with paragraph 5 below
- Terry stops
- Traffic stops
- On-View Infractions and Criminal Activity
- Arrests and seizures
- Searches and inventories of vehicles or persons
- Transports (excluding ride-along and passengers for meetings)
- Vehicle Eluding/Pursuits
- Questioning suspects or witnesses

If circumstances prevent recording with ICV at the beginning of an event, the employee shall begin recording as soon as practical.

Employees will activate the ICV to record the above, even if the event is out of view of the camera. As public and officer safety considerations permit, employees will make an effort to position the vehicle and camera to obtain useful recordings.

5. Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded

Generally, an event has concluded when one or all of the following occur:

- The employee has completed his or her part of the active investigation;
- The employee is leaving the area of the event.

In addition to the general circumstances listed above, an employee may stop recording (audio and video) in the following situations:

- If the employee is on an extended major incident investigation, the on-scene supervisor may authorize recording to be stopped.
- For transports to a King County jail facility or other jail facility, the event concludes just before the employee enters the sally port of the facility.
- For transports to medical facilities, the event concludes when the employee reaches the transport destination, and the officer is exiting the vehicle.
- For transports to other locations, the event concludes when the employee reaches the transport destination, and the subject has been taken into the destination.
- Officers have the discretion to stop recording during conversations with crime victims, witnesses, and members of the community who wish to report or discuss criminal activity in confidentiality.
- Officers have the discretion to continue recording (audio and video) and separate themselves from the microphone of the ICV during an incident when engaged in an operational or tactical discussion with other officers. If an officer separates himself or herself from the microphone during a contact to discuss operation details with another officer, the officer shall state the reason for the separation.

6. Employees Notify Persons of Recording

Employees using ICV shall notify those people in direct contact with the officer that they are being recorded as soon as practical, and the notification must be on the recording.

Employees shall repeat the notification, if practical, for additional people in direct contact with the officer that become involved in the recording. Employees shall make effort to ensure non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing understand that they are being recorded.

7. Employees Will Turn Off the AMIFM Vehicle Radio During ICV Recordings

If employees are operating a vehicle that does not have an AMIFM radio inhibitor installed, then when safe to do so, employees will turn off the AMIFM radio before the audio recording is set to begin. If the radio was not turned off before the start of the recording, employees will turn off the radio as soon as feasible after the start of the recording.

The radio must remain off during the entire recording of the incident, including the transport of any person.

8. Employees Document the Existence of Video or Reason for Lack of Video

Employees will document the existence of video, lack of video, or delay of the start of video in a call update and any related police report, Notice of Infraction, Criminal Citation, or Contact Report.

Employees who are not logged to a call or event but capture video of the event will log to the call and note that the event was recorded in a call update.

If this policy requires that an event be recorded, and there is no recording or there was a delay in recording, employees must explain in writing why it was not recorded or why the start of the recording was delayed.

9. Employees Will Enter Data for Recorded Events

Employees will assign the appropriate event type for all recordings and enter any related case or event number(s) in the proper format. (WW)

10. Employees Upload Recorded Video Before Going Out of Service

If the upload is not completed before the end of shift, employees will notify a supervisor.

Reviewing In-Car Video

This policy applies to all employees—non-sworn and sworn—who review in-car video (ICV).

1. Recorded Video May Be Viewed For Appropriate Purposes Only

Video recorded by an ICV system may be viewed for the following purposes:

- Officers may view their own camera video through Evidence.com for purposes directly related to their duties of preparing reports and statements. Agency personnel shall not access recorded data for personal use.

Recordings may be viewed by individuals other than the recording officer in the following limited situations:

- By officers prior to completing their police report or prior to providing a statement/report/interview pursuant to an administrative investigation or officer involved use of force investigation
- By a supervisor investigating a specific act of conduct alleged in a complaint of misconduct. Review of video shall be related to a specific complaint and not used as the basis to search for other possible policy violations.
- By an OPS investigator who is participating in an official OPS investigation investigating a specific act of conduct alleged in a complaint of misconduct. Review of video shall be related to a specific complaint and not used as the basis to search for other possible policy violations.
- Where a video is part of an OPS investigation, by the chain of command in reviewing the CPS case to make recommendations to the Chief of Police regarding the case findings.

- By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or a criminal investigation, including prior to an officer providing a statement in an officer involved use of force.
- By the City's legal representative who is representing the City on a specific matter may review the video of that matter.
- By a department investigator who is participating in a criminal investigation.
- By technical support staff for purposes of assessing proper functioning of body cameras, quality control/troubleshooting.
- By a supervisor if they are capturing specific evidence for prosecution, a civil claim has been filed, or if the incident resulted in serious injury or death.
- By the Vehicle Incident Review Board regarding an event captured on the video.
- By the Use of Force Review Board regarding an event captured on the video.
- Audit and Accreditation Purposes
- As part of the Early Intervention System
- Processing Public Disclosure Requests
- Upon agreement with Union Representation

ICV recordings will not be routinely or randomly reviewed to monitor officer performance. Video review shall not be used as a fishing expedition for officer misconduct.

When preparing written reports, officers should only review their recordings as a resource. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

2. Minor Misconduct Discovered During ICV Review Will Not Result in Discipline

If, in the course of viewing ICV, minor acts of misconduct unrelated to the original reason for viewing the video are discovered, they will not result in discipline. However, such acts may result in a training referral or career counseling and may be included in an employee's performance evaluation.

In the context of ICV review, minor acts of misconduct will be handled through officer's chain of command for appropriate follow up

3. Users Note the Purpose for Viewing Video

Any person viewing an ICV recording shall note the reason in the "Notes" field (Located Under the "Data Entry" Icon) in the *evidence.com* viewer application.

The system automatically logs the identity of the user who accesses a particular video and the date and time of access. The user must still manually enter the purpose for viewing the video.

4. Recorded Video Shall Not Be Used for Training Purposes For Other Employees Without Permission of the Involved Employee

5. Employees Shall Not Make Copies of Recorded Video Without Written Authorization from a Captain or Higher, or if an Authorized Employee for Purposes of Disclosure or Discovery

Operating the In-Car Video System

When operating a vehicle equipped with an in-car video (ICV) system, an **employee**:

Checks the system at the beginning of shift to ensure it is functioning properly by:

- **Synchronizing** the portable microphone with the system
- **Making** a test recording with sound while standing in view of the camera
- **Verifying** the audio and video are captured
- **Selecting** the System Check event type

If the system malfunctions, **troubleshoots** using steps included in the initial training such as system reboot, re-synchronizing of the portable microphone(s), and “check out” of the hard drive.

If the initial troubleshooting does not fix the problem, **contacts** the Pilot Project Manager and follow their instructions.

If the problem is resolved, **makes** an entry in the log of the malfunction and steps taken to resolve it.

If the problem is not resolved, **notifies** supervisor of the malfunction, and

Moves to a vehicle with a functioning ICV system, if one is available.

Records activity during the shift

Documents that an event was recorded or reason for the lack of a recording if one should have been made per policy.

Selects event type for the video and enters event number into *evidence.com*

Uploads video prior to going out of service.

Notifies supervisor if upload not completed.

Supervisor Responding to a Malfunction of the In-Car Video System

After receiving a report that an in-car video (ICV) system has malfunctioned, a **supervisor**:

- **Arranges** for the affected employee(s) to switch to a vehicle with a functioning ICV system, if one is available.
- **Flags** the vehicle with the malfunctioning ICV system as “out-of-service ICV.”
- **Requests** repair of the malfunctioning system by TASER.

BODY-WORN VIDEO PILOT PROGRAM

Effective Date: 05/14/2016

1. All Officers Operating BWC Must Have Completed BWC Training

Before officers deploy with a BWC camera, they will complete Department training on the proper use of the equipment and procedures for uploading recorded video. This training will include:

- Objectives of the BWC Pilot Program
- Proper Camera operation and placement
- Department policy on camera usage & State Law
- Recording advisements

2. Officers Operating BWC Must Wear the Camera Properly

Officers will wear the camera in a location consistent with the training that allows the camera to record events.

3. Officers Will Perform Pre-Shift Function Checks and Note Malfunctions

- At the start of the shift, officers will perform a check for issues with any of the following:
- Damage

- Camera mounting
- Recording functionality
- Previous uploads
- Battery charging
- Any time the officer is aware of equipment malfunctions, the officer will:
 - Notify a Captain,
 - Note the malfunction on the MDC/CAD log including the screening Captain's name

4. Officers Will Record Police Activity

Officers should not activate or use the BWC when in any law enforcement facility, when on breaks, or when not engaged in police activity. Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090, RCW 9.73.210, and RCW 9.73.230.

Officers will record the following police activity:

- Response to 911 calls, starting when the officer begins travel to the call and ending consistent with paragraph 5 below
- Terry stops
- Traffic stops
- On-View Criminal Activity
- Arrests and seizures
- Searches and inventories of vehicles or persons
- Transports (excluding ride-along and passengers for meetings)
- Vehicle Eluding/Pursuits
- Questioning suspects or witnesses
- Self-initiated activity in which the officer believes there may be evidentiary value in activating the BWC
- Any contact that becomes adversarial after the initial contact in a situation that would otherwise not be recorded

If circumstances prevent recording with BWC at the beginning of an event, the officer shall begin recording as soon as practical.

Employees will activate the BWC to record the above, even if the event is out of view of the camera.

Unless there is reasonable suspicion to believe that criminal activity is occurring or will occur, employees shall not intentionally record:

- Places where a heightened expectation of privacy exists, such as restrooms, jails, or hospitals, unless for a direct law enforcement purpose such as a crime in progress or the recording of the location is material to a criminal investigation.

Unless there is an exigent circumstance, employees shall not intentionally record conversations with confidential informants and undercover officers to protect the confidentiality and officer safety.

5. Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded

Once BWC recording has begun, officers will record the entire event. An event has concluded when one or all of the following occur:

- The employee has completed his or her part of the active investigation; and
- The employee is leaving the area of the event

For transports, the event has concluded when the officer reaches the transport destination, such as the jail, hospital, or precinct, and is exiting the vehicle.

Exceptions:

For residences or other private areas not open to the public, officers will ask for consent to record with BWC. The request and any response will be recorded. If the request is denied, officers will stop recording with BWC during the time that they are in the private area. This exception does not apply to crimes in progress or other circumstances that would allow the officer to be lawfully present without a warrant.

Officers have the discretion to stop recording during conversations with crime victims, witnesses, and members of the community who wish to report or discuss criminal activity in confidentiality.

Officers have the discretion to de-activate the BWC during an incident when engaged in an operational or tactical discussion with other officers. If the BWC is de-activated during a contact to discuss operation details with another officer, the officer shall state the reason the BWC is being turned off and the officer should promptly re-activate the BWC before resuming duties related to the incident.

Officers who stop recording with the BWC during an event must document the reason(s) for doing so in the case report. If there is no case created, the officer will document the reason(s) in an update to the call.

6. Officers Shall Notify Persons of Recording

Officers using BWC shall notify those people that are in direct contact with the officer that they are being audio and video recorded as soon as practical, and the notification must be on the recording.

Officers shall make effort to ensure non-English speakers, those with limited English proficiency, deaf persons, or persons hard of hearing understand that they are being recorded.

Officers shall repeat the notification, if practical, for additional people that are in direct contact with the officer that become involved in the recording.

When interviewing crime victims, officers shall ask the individual, "Do you want your identity to remain confidential for public records purposes?" The question and answer should be recorded.

7. Officers Will Document the Existence of Video or Reason for Lack of Video

Employees will document the existence of video, lack of video, or delay of the start of video in a call update and any related police report, Notice of Infraction, Criminal Citation, or Contact Report.

Employees who are not logged to a call or event but capture video of the event will log to the call and note that the event was recorded in a call update.

If this policy requires that an event be recorded, and there is no recording or there was a delay in recording, employees must explain in writing why it was not recorded or why the start of the recording was delayed.

8. Officers Will Enter Data for Recorded Events

Employees will assign the appropriate event type for all recordings and enter any related case or incident number(s) in the proper format. (WW) Officers will "flag" videos if any portion of the videos may contain images or audio of any of the following:

Complainant/victim/witness requesting non-disclosure

Officers may “flag” videos if any portion of the video may contain images or audio of any of the following:

- Complainant/victim/witness not requesting nondisclosure but the officer believes that the disclosure would endanger life, physical safety, or property
- Information that if disclosed, would be highly offensive to a reasonable individual and of no legitimate interest to the public
- Medical information or treatment
- Mental Health information or treatment, any areas of a medical facility, counseling, or therapeutic office
- Any identifiable juveniles
- Confidential informants
- Entry into a private residence
- The body of a deceased person
- Victim of sexual assault
- A community-based domestic violence program or emergency shelter
- Location information of a community-based domestic violence program or emergency shelter

9. Officers Shall Upload Recorded Video Before Going Out of Service

Officers will upload recorded video according to the training guidelines for the relevant unit model. If this is not completed before the end of shift, officers will notify a Captain.

10. Officers Will Wear Only BWC Equipment Issued by the Department

Officers may not wear any other camera device for the purpose of recording enforcement activity. Only those camera units issued by the Department for this Pilot Program are authorized.

Reviewing Body-Worn Camera Video

This policy applies to all employees who review body-worn video recordings.

1. All Body Worn Videos and Related Data are the Property of the Bellevue Police Department

Department policy governs all access, review, and release of body-worn video. All data shall be protected per Department and City technology policies. Only authorized personnel shall access the Evidence.com portal.

2. Employees May Review Recorded Video

Employees may view body-worn video for the following purposes and only for a reasonable amount of times necessary for the below business purposes:

Officers may view their own camera video through Evidence.com for purposes directly related to their duties of preparing reports and statements. Agency personnel shall not access recorded data for personal use.

Recordings may be viewed by individuals other than the recording officer in the following limited situations:

- By officers prior to completing their police report or prior to providing a statement/report/interview pursuant to an administrative investigation or officer involved use of force investigation
- By a supervisor investigating a specific act of conduct alleged in a complaint of misconduct. Review of video shall be related to a specific complaint and not used as the basis to search for other possible policy violations.
- By an OPS investigator who is participating in an official OPS investigation investigating a specific act of conduct alleged in a complaint of misconduct. Review of video shall be related to a specific complaint and not used as the basis to search for other possible policy violations.

- Where a video is part of an OPS investigation, by the chain of command in reviewing the OPS case to make recommendations to the Chief of Police regarding the case findings.
- By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or a criminal investigation, including prior to an officer providing a statement in an officer involved use of force.
- By the City's legal representative who is representing the City on a specific matter may review the video of that matter
- By a department investigator who is participating in a criminal investigation.
- By technical support staff for purposes of assessing proper functioning of body cameras
- By a supervisor if they are capturing specific evidence for prosecution, a civil claim has been filed, or if the incident resulted in serious injury or death.

BWC recordings will not be routinely or randomly reviewed to monitor officer performance. Video review shall not be used as a fishing expedition for officer misconduct.

When preparing written reports, officers should only review their recordings as a resource. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

3. Minor Misconduct Discovered During BWC Review Will Not Result in Discipline

If, in the course of viewing BWC, minor acts of misconduct unrelated to the original reason for viewing the video are discovered, they will not result in discipline. However, such acts may result in a training referral or career counseling and may be included in an employee's performance evaluation.

In the context of BWC review, minor acts of misconduct will be handled through the officer's chain of command for appropriate follow up

4. Users Shall Note the Purpose for Viewing Video

Any employee viewing a video shall manually make an entry in the application stating the purpose for viewing the video.

The *evidence.com* viewing application automatically logs the identity of a user who accesses a particular video, as well as the date and time of access.

5. Employees Shall Not Make Copies of Recorded Video Without Written Authorization From a Captain or Higher, or if an Authorized Employee for Purposes of Disclosure or Discovery

Dissemination outside the agency is strictly prohibited, except to the extent permitted by or required by law. Employees shall not upload recorded data only public and social media websites without express permission from the Chief of Police. Recordings will be provided to the City and County Prosecutor's Offices when requested as part of discovery for a criminal or civil case.

IN-CAR & BODY-WORN VIDEO PILOT PROGRAM VIDEO DATA RETENTION & DISCLOSURE

1. Retention of Recordings Shall be Retained Pursuant to State Retention Laws

All recorded imagery and audio will be stored and retained by the Department in accordance with the law and destroyed at the conclusion of any retention period required by law. The retention may be extended when the recorded contact constitutes evidence in a criminal case or that the recorded contact may be beneficial in a non-criminal matter. Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter the officer should promptly notify a supervisor of the recording's existence, download the file in accordance with Department procedures to ensure the recording is retained, and document the existence of the recording in their case report.

2. Public Records Laws Shall apply to ICVIBWC recordings.

Public disclosure of recordings made during this Pilot Program are governed by the Public Records Act, RCW Chapter 42.56. Upon receipt of a public records request for ICVIBWC recordings, the records staff member will take immediate steps to flag the requested recording(s) in *evidence.com* as a “Public Record” in order to preserve the recording(s). The Records Unit will send the requestor a five-day notice letter with an estimated time for completion of the request. The Records Unit will coordinate the City’s response to the request.

3. Public Disclosure of BWC Recordings

A request for BWC recordings must meet one of the following requirements or else the request shall be denied. The requestor:

- Specifically identifies a name of a person or persons involved in the incident;
- Provides the incident or case number;
- Provides the date, time, and location of the incident(s);
- Identifies a Law Enforcement or Corrections Officer involved in the incident(s);
- Is a person directly involved in an incident recorded by the requested BWC recording or the attorney representing the person directly involved in the incident;
- Is a person or their attorney involved in a criminal case involving the incident;
- Is the attorney in a potential or existing civil lawsuit involving a civil rights violation or a violation of a Department of Justice settlement agreement. The attorney must explain the relevancy of the BWC recording to the lawsuit and specify that he or she is requesting relief from redaction costs; or
- Is the executive director from either the WA State Commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs.

Even if the requestor meets one of the above following requirements, exemptions may still apply to the request.

The Department may seek costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a BWC recording, except from requestors described in numbers 5-8 above.

27.00.060 RETENTION SCHEDULES (CALEA 82.1.3)

State Law Requirements

The State of Washington has statutory requirements for the minimum retention of records. The Department shall follow state record keeping requirements for local governments.

Paper and electronic records (including e-mail messages) are public records under the Public Disclosure Act (RCW 42.17) and the law governing preservation and destruction of public records (RCW 40.14). All employees are required to ensure compliance with these laws.

This procedure defines the need to retain public records and provide direction on retention of public records when an employee leaves the Department.

The City Clerk maintains a copy of the state schedule for the retention of public records. No public record should be disposed of without first confirming, through the City Clerk's office or Department Records Supervisor, the retention requirement for that record.

Responsibility

All employees are responsible for ensuring the retention of Department public records in accordance with retention schedules maintained by the City Clerk's office. Supervisors are responsible for ensuring the retention of public records following the retirement, resignation, or termination of an employee, for whom they are directly responsible.

Retiree's Records

When an employee announces their intent to retire or resign, the employee will be instructed by their immediate supervisor to review their records, including e-mail, to identify all documents that are public record.

Employees and supervisors may contact the City Clerk's office for assistance in determining whether a particular document is public record and, if so, what its retention period is.

Employee Records

When an employee is terminated or leaves abruptly, the employee's immediate supervisor is responsible for going through the employee's records to determine what public records exist. The immediate supervisor will contact Information Services to receive access to the employee's electronic records. Any public records of the previous employee are to be forwarded to Human Resources for retention in the employee's personnel file.

Destruction of public records

Any destruction of official public records shall be pursuant to a schedule approved under [RCW 40.14.050](#). Official public records shall not be destroyed unless:

- ❖ Except as provided under [RCW 40.14.070\(2\)\(b\)](#), the records are six or more years old
- ❖ The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or
- ❖ The originals of official public records less than six years old have been copied or reproduced by any photographic, photo static, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

Any lesser term of retention than six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except when records have federal retention guidelines the state records committee may adjust the retention period accordingly. An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of six years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

County, municipal, and other local government agencies may request authority to destroy non-current public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

Except as otherwise provided by law, public records shall not be destroyed until approved for destruction by the local records committee.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter [RCW 9A.44](#) or sexually violent offenses as defined in [RCW 71.09.020](#) that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

Any record transferred to the Washington association of sheriffs and police chiefs shall be deemed to no longer constitute a public record pursuant to [RCW 42.17.020](#) and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in [RCW 10.97.030](#) for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter [RCW 71.09](#).

Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying non-current public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated unless:

- ❖ The records are seventy years old or more;
- ❖ The local records committee has approved the destruction of the public records; and
- ❖ The state archivist has determined that the public records have no historic interest.